

DECLARATION OF BENJAMIN A. GERSON

I, Benjamin A. Gerson, declare as follows:

1. I am attorney admitted to practice before this Court. I am currently employed at the Capital Habeas Unit at the Federal Public Defender's office in Las Vegas, Nevada. I also currently serve as co-counsel to Kara Ottervanger on Mr. Nunn's case in the U.S. District Court for the Eastern District of California.

2. On July 9, 2024, this Court ordered a briefing schedule with Mr. Nunn's Motion for Rehearing due on August 30, 2024. Mr. Nunn's requests for an extension of 17 days.

3. I submit that good cause exists to grant the extension. I have worked diligently with Ms. Ottervanger in preparing the motion. However, my obligations in capital cases have limited my availability. An extension ensures that Mr. Nunn as well as my other clients receive adequate representation. I currently have filing deadlines in *In re Richard Allend Davis*, No. 18600 (Sup. Ct. Santa Clara Cty.) (capital case); *Pandeli v. Arizona*, No. 1993-008116 (Sup. Ct. Maricopa Cty.) (capital case; pending appeal to the Arizona Supreme Court); *Chappell v. Gittere*, No. 2:16-CV-00645-JAD (D. Nev.) (capital case); *Anderson v. Thornell*, No. 3:23-CV-08023-KML (D. Ariz.) (capital case), and *Miller v. Attorney General for the State of Nevada*, No. 23-15256 (9th Cir).

4. This declaration is not made for any improper purpose nor for the purpose of delay. I declare that the foregoing is true and correct to the best of my knowledge.

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/s/Benjamin A. Gerson

Benjamin A. Gerson

Assistant Federal Defender

August 23, 2024